Manitoba

prepared by the
Crown Land Classification Committee

Manitoba

APPROVED BY
PROVINCIAL LAND
USE COMMITTEE

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PROVINCIAL CROWN LAND PLAN for the R.M. of Silver Creek

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Map 1. Provincial Crown Land Plan, October, 1987 (rear pocket)

I. INTRODUCTION

This Crown land plan classifies to various land uses the Provincial lands in the R. M. of Silver Creek.

The planning and classification of Provincial Crown land in southern Manitoba is the responsibility of the Crown Land Classification Committee. This is an interdepartmental committee with representation from the Departments of Agriculture, Natural Resources, Northern Affairs and Municipal Affairs. The Crown Land Classification Committee reports to and receives its direction from the Provincial Land Use Committee of Cabinet.

The Provincial Land Use Committee of Cabinet approves all Provincial Crown Land Plans, including plan amendments. The Crown Land Classification Committee prepares the plan and consults with local planning authorities respecting the plan and plan amendments prior to review by the Provincial Land Use Committee of Cabinet.

The Crown land plan applies only to Provincial Crown land, the jurisdiction of which remains the responsibility of the Manitoba Government. The plan does not address Federal Crown, Indian Reserves or patented lands.

There is only a small acreage of Crown land in the R.M. of Silver Creek. Most of these Crown lands are associated with various waterbodies located in the southern portion of the Municipality. For the most part, these lands can be described as intermittent waterbodies which in periods of low precipitation become dry-to-wet lowlands. There may be other areas in the Municipality which are also considered Crown lands, but without a detailed land title search it is not possible to determine the exact distribution of Crown lands in this area.

This plan is limited to those Crown lands identified in the Crown Lands Registry of Manitoba Natural Resources. As more detailed information becomes available, the Plan will be amended accordingly.

II. CROWN LAND PLANNING COMPONENTS

Crown land planning is a process which is continuous and ongoing. It involves inventory of land and resources, evaluation of capability and suitability, identification of demands and needs, the establishment of goals and objectives and consultation with local planning authorities.

The goals and objectives (Section III) of this Crown land plan were formulated after consideration of the Provincial Land Use Policies in conjunction with Provincial departmental sector goals and objectives. The Crown land allocation procedures, which designated the Crown lands to achieve these goals, utilized accepted basic land use planning concepts along with current Crown land management and administrative directives and guidelines.

A. PROVINCIAL LAND AND RESOURCE GOALS

The Provincial Land Use Policies form the overall framework for this plan through the guidance and direction they prescribe in the management of the Province's land resource. These policy statements identify general provincial land and resource goals.

The Provincial land and resource goals are:

1) To protect the present and future agricultural industry, to protect land for present and future food production and to foster growth and development in the agricultural industry.

2) To provide for orderly rural development and to reduce rural servicing costs by consolidating development.

3) To safeguard scarce recreational and scenic resources and to protect existing and future recreation areas against overuse and degradation of recreational resources.

4) To recognize the importance of key shorelands and to protect from erosion the integrity and usefulness of this finite resource for recreation, watertable retention requirements, to ensure the viability of critical environments and to ensure the right of public access to major waterways and waterbodies.

5) To ensure that significant land and resource areas are not adversely affected by adjacent land uses.

6) To protect areas critical to the existence and maintenance of rare and endangered flora and fauna and to protect significant natural features which characterize a region and to identify, preserve and protect heritage resources.

7) To maintain and promote economic opportunities, ecological diversity, existing natural resource values and populations and aesthetic qualities of the rural landscape associated with renewable resource utilization.

8) To protect life and property from natural hazards such as flooding and erosion, to maintain the natural capacity of streams to convey flood flows and to protect existing flood control works.

9) To maintain a high level of service and safety on the Province's highways, to protect the provincial investment in highways and to minimize disruption to local development in the future.

10) To protect aggregate and quarry mineral resources and to integrate these areas into the overall planning process.

This Crown land plan does not address provincial transportation, mineral or rural development goals. However, the plan will not preclude procurement of land for roads or limit mineral development or exploration subject to normal review and clearance procedures.

Aspects of schooling, local transportation systems, water supplies for domestic use, etc., are best addressed by local planning authorities more directly responsible to meeting local needs. Where potential conflicts in use occur or where Crown land allocations may impact on rural servicing costs, these issues will be addressed through consultation with the local authority (Council and/or Planning Board). Adjustments may then be made to the plan to address these concerns.

B. CONCEPTS

There are a number of basic concepts which are considered in the planning for Crown land. These concepts influence policy interpretation and Crown land allocation. Therefore, in optimizing Crown land and resource use and maintaining a high quality environment, the following apply:

1) The planning of Crown land is undertaken with consideration given to local needs. This is achieved through consultation with local planning authorities and in recognition of the demands identified by government departments in servicing and consulting with their respective client groups.

2) Where there is significant public or private investment, the affected Crown lands are classified and allocated to uses which are in concert with or do not jeopardize the investment in either an economic or a physical sense.

3) Current management practices on all Crown land include: the application of multiple land use principles; the protection and improvement of the land's long-term productive capacity; the minimization of erosion and other destructive processes; and the utilization of the land consistent with its inherent capabilities with due consideration given to intensive management.

    a) The application of a multiple land use concept, that is, the utilization of Crown land and resources by competing and complementary users in both time and space, require the identification of areas of compatible land uses wherever possible.

b) The capability and suitability of the land and water resource base for development is considered.

c) Classification of erosion-prone or relatively infertile lands to land uses which ultimately lead to a lower productivity of the land base is not acceptable.

d) In general, a minimum 25 percent of each quarter section is maintained in natural woody vegetation for a number of purposes.

4) Existing land uses and land use patterns are accounted for and considered.

5) In general, existing non-conforming uses on Crown land are accepted and will be allowed to continue until the existing commitment expires or a suitable alternative site for the use can be found.

6) Except where indicated, the plan will not preclude or limit future mineral extraction or exploration on Crown lands where approved by the Provincial Government.

7) The right of public access to Crown land and water for the purposes of sport angling, commercial fishing, hunting, trapping, outdoor recreation pursuits and general access is maintained in accordance with such acts, regulations and contracts in effect from time to time.

8) Future permanent development (i.e., residences, summer homes, cottages, commercial buildings, etc.) will be assessed for hazards such as flooding, erosion or bank instability. In general, development shall be subject to the following requirements, excepting under special economic and social circumstances.

a) All permanent development shall be located on land above the 100-year flood level. When it is not possible to estimate the 100-year flood level due to insufficient hydrometric data for the waterway, then an elevation of 1.5 metres (5.0 feet) above the high water mark will be used.

b) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated that the erosion process has been halted.

c) Development shall not be permitted on lands subject to bank instability, landslides, or subsidence.

d) Use of Crown land in water power reserves, control areas and licence areas must conform to the above or must not be required for water power purposes. Approval for development and use is required from Manitoba Natural Resources, Water Resources.

e) In order to minimize surface water quality degradation, development and use of surface water resources shall not exceed the carrying capacity.

9) The plan will not restrict the Province from entering or withdrawing Crown lands for utility rights-of-way, highways, roads, drains, etc., subject to normal clearance and approval procedures.

10) Heritage resources (sites, structures, objects or areas of historic, architectural or archaeological significance) are located on Crown lands. Those resources identified now or in the future shall be protected from uses and activities that will endanger them. Areas containing such resources may be developed only after consultation with the Historic Resources Branch, Manitoba Culture, Heritage and Recreation.

C. MANAGEMENT CONSIDERATIONS

Land management and administration does not direct land planning and land allocation but it does influence land use. Where concerns of potential land use conflict can be addressed through management and administration, remedial allocations are avoided. Some of the basic management and administrative factors which apply are:

1) For Crown lands under agricultural use the following apply:

a) The right of public access is in accordance with such acts, regulations and contracts that are in effect from time to time.

b) Access is guaranteed to quarry lease operations subject to compensation being negotiated relative to loss of privately owned improvements.

c) The right of the Province to enter a leased area and to withdraw lease rights on lands for utility rights-of-way, roads, etc., is guaranteed.

d) Lands having greater than nine percent slope must be maintained in native cover or permanent forage.

e) A buffer strip of natural vegetation from 45 to 90 metres in width should be retained within 90 metres of all municipal and provincial roads.

f) A buffer strip of woody vegetation not less than 45 metres in width should be retained within 90 metres of all municipal and provincial roads.

g) No wetland shall be drained or filled without approval.

h) Topsoil and leaf mat shall not be removed.

i) All livestock must be contained (e.g., fenced). Strips of 15 metres in width per lease can be cleared for fencelines.

j) Merchantable timber is subject to stumpage rates it is marketable. The Crown retains the right to issue cutting rights to the public by way of timber sale and/or timber permit to harvest timber on Crown lands. The merchantable timber is subject to the payment of stumpage rates.

2) Survey monuments defining townships, section and quarter section corners shall not be destroyed.

3) Water quality shall not be adversely affected by Crown land uses. Activities and intensive shoreland developments that discharge pollutants shall be restricted in their location and it may be required that precautionary safeguards which mitigate the adverse effects of pollution be incorporated into the development. These activities and developments shall meet Manitoba's Surface Water Quality Objectives. Shorelands shall be protected from excessive erosion which might affect water quality.

4) Activities such as dumping, excavation, clearing, cultivation, or excessive grazing which would accelerate or promote dangerous erosion or bank instability will be prohibited.

5) Activities that may cause pollution under normal operating conditions or by accident should not be permitted in the groundwater pollution hazard area unless it can be proved by adequate field investigations that the proposed activities will not cause pollution of existing or potential groundwater supply in the area.

6) Groundwater consumption shall not exceed the total sustained yield of an aquifer. Wells shall be installed in a manner that will not have a detrimental effect on aquifers. Intensive development (e.g., subdivisions) and high capacity wells will be permitted only in areas where they will not cause a reduction in water supply for existing users.

7) Lakes, streams, creeks, etc., which are identified as significant fisheries habitat areas shall be protected. The use of Crown land adjacent to these waterways and particularly spawning sites and/or nursery areas shall be controlled and managed to minimize damage to fish stocks and fish habitat from siltation, nutrient loading, disturbance and water quality degradation. Manitoba's Surface Water Quality Objectives shall be used to ensure their protection. Management of these adjacent lands shall be in accordance with approved fish habitat protection guidelines and includes, but is not limited to controlling the clearing, cultivation, timber harvesting, and development of sites to the water's edge, maintaining or creating natural vegetation buffers of varying widths as required.

8) Sewage effluent discharges shall meet provincial standards. Flows required to flush and dilute waste waters and protect fish stocks shall be encouraged.

9) Stream crossing shall not adversely affect fish habitat or populations. Where crossings may affect fish habitat, the crossing should be designed and constructed with reference to "Recommended Fish Protection Procedures for Stream Crossings in Manitoba" prepared by Manitoba Natural Resources.

III. PLANS GOALS AND OBJECTIVES

The goals and objectives outlined for Crown lands are basic to all areas of the Province. The degree to which these goals may be achieved and the economic and social impacts which will result are determined by: the amount and manner of distribution of the Crown lands in the area under consideration; the capability of this land for proposed uses and its suitability for development; current uses of this land; and present demands and commitments being made upon it.

The role and impact of Crown lands in this municipality is of a minor nature in achieving the Province's goals and objectives in respect of the principal land and resource users of Crown land. In recognition of this impact, the following sectoral goals are provided for information purposes in an effort to illustrate the general position of government regarding the use, development and protection of Provincial resources. By sector, the general goals and objectives for Crown land and resources are:

A. AGRICULTURE

Agriculture is the principal land use and industry of rural Agro-Manitoba. It is the long-term interest of the Province to protect the agricultural industry. This means protecting not only the quality and the quantity of productive land, but protecting the ability of farmers to expand, diversify or change their operations in response to market demand. The principal goals are:

1) To protect agricultural land for present and future production and to foster growth and development in the agricultural industry.

2) To ensure Conservation of the natural resources upon which agriculture is dependent.

B. FISHERIES

Harvesting and processing of fish caught by Manitoba commercial fishermen and the sport fishing enterprises serving residents and non-residents provide jobs, income and revenue. Additionally, the fish resource provides recreational opportunities along with the associated income and employment benefits to the service, retail and manufacturing sectors.

In order that these income and quality of life benefits can be sustained and enhanced, the Fisheries goals are:

1) To recognize the need for fisheries management that will result in the greatest long-term benefit to Manitobans and ensure survival and improvement of fish stocks.

2) To establish and maintain a viable commercial and tourist fishing industry wherein participants can earn a reasonable return on their investment and time with limited social disruption.

3) To maintain and enhance angling opportunities for Manitobans to meet existing and future demands.

4) To provide and maintain sufficient fish stocks to support subsistence fishing.

5) To minimize the loss and degradation of habitat due to other competing and non-competing resource uses and to improve degraded habitat.

C. FORESTRY

The forest industry contributes significant socio-economic benefits to the Province of Manitoba through the harvesting of Crown timber and the production of forest products, goods and services. It is anticipated that in the course of the next 20 years, the forest industry will continue to grow at the rate of about two to three percent per year. It is expected that the socio-economic benefits derived from this growth will continue at the same rate.

In order that these benefits can be achieved, Manitoba's forest land must be protected from fire, insects and disease, the most productive sites retained to produce future forests, land that is presently under forest must not be further alienated to other incompatible uses, and forested lands managed in the most intensive manner possible. More specifically, the goals are:

1) To maintain a sufficient amount of highly productive Crown lands for long-term forest management purposes. Specifically, highly productive forest lands must be set aside as provincial forests. This will allow for investment by the Province in the necessary management to ensure that such lands provide forests on a continuing and sustained basis.

2) To intensify the management levels on those forest lands to achieve a higher level of productivity than when managed under natural conditions. Intensified management will involve the establishment of new stands on cutover lands utilizing genetically superior seedling stock and utilizing the most up-to-date stand establishment techniques. Subsequent to stand establishment, the intensity of management must be continued in a stand-tending program of forest fertilization, thinning and pruning. In instances where stand establishment has been by natural means, thinning and other silvicultural techniques will be required.

3) To intensify management of lands through a higher degree of protection of stands against the ravages of fire, insects and disease through enhanced fire and pest management programs. Higher levels of utilization will be required of the forest industry so that the greatest amount of fibre produced on a given area will be converted into useful forest products.

D. HERITAGE RESOURCES

Heritage resources are any works of nature or of man that are of interest primarily for their prehistoric, historic, cultural, natural, scientific or aesthetic value including, but not limited to artifacts, paleontological objects, prehistoric or historic sites, natural sites, structures or objects. Heritage resources are important because they embody information

that is essential to an understanding and appreciation of human society. Therefore, heritage resources should be managed so that such information is not irrevocably lost.

The principal goals of heritage resources management are:

1) to identify, preserve and protect heritage resources; and

2) to encourage a public awareness and understanding of, and appreciation for heritage resources.

E. OUTDOOR RECREATION AND PARKS

Outdoor recreation opportunities are essential to the high quality of life which Manitobans presently enjoy. These activities also make an important contribution to the provincial economy. The provincial government, in conjunction with other levels of government and individual and private enterprise, is an important provider of outdoor recreation opportunities. Present trends suggest that the need for this management function will continue at a high level during the 1980s.

Fundamental to the development of recreational areas is the need to maintain a harmony with natural and man-made environments. Important recreation and resource areas such as waterways and shorelands, prime wildlife habitat, and natural, cultural and historic areas will be identified and protected with adjacent incompatible land and resource uses controlled.

The principal goals are:

1) To provide a variety of types and amounts of outdoor recreational opportunities for the pleasure and enjoyment of the citizens of Manitoba, both now and in the future.

2) To identify and preserve rare, scarce, or special forms of recreation in Manitoba.

3) To provide suitable park areas to allow and encourage the people of Manitoba to enjoy and appreciate each distinct natural landscape in the Province.

F. WILDLIFE

Wildlife species including birds, mammals, reptiles and amphibians occupy various Manitoba environments. Besides its cultural and historical significance, Manitobans value and use the wildlife resource for food, income, recreation, education and science.

Wildlife is a renewable and replenishable resource. It is incumbent upon the Province, as resource steward, to ensure the provision of wildlife resources for Manitobans. Therefore, the principal goals are:

1) To ensure the provision of wildlife resources that will result in the greatest long-term benefit to Manitobans.

2) To ensure that wildlife populations and their habitats are protected from irreversible damage and that, subject to the effects of natural and approved man-made environmental changes, viable populations are maintained.

3) To maintain population levels of all wildlife species at levels sufficient to meet public demand, including but not limited to demand for: domestic use, recreational use, educational use and commercial use and to maintain, protect and enhance areas suitable for these activities.

4) To protect the integrity of the resource base and intended use of areas designated or proposed by the Province as wildlife management areas from incompatible and possibly damaging uses.

5) To mitigate, where possible, wildlife depredation damage.

IV. CROWN LAND USE CLASSIFICATIONS

The Crown lands in the Rural Municipality of Silver Creek have been classified as indicated below (Map 1):

A. Wildlife.

B. Utility Sites.

C. Urban Use.

A. Wildlife: Classification W: As Shown On Map 1.

PRESENT CONDITIONS:

The Diamond Lake, Tibbats Lake and Lidcliff Marsh (in Township 19, Range 26W have been identified as a wetland area of provincial and local significance. These marshes, and others located on a few scattered Crown parcels elsewhere in the Municipality, are important as waterfowl production areas.

These Crown land and water areas have a very low agricultural productivity (Class 6), (Class 7 is the worst and Class 1 the best). In contrast, the Waterfowl Capability of these areas is high (being predominantly Class 2 for Waterfowl), so that, therefore, these are priority production sites for waterfowl.

CONCERNS/OBJECTIVES:

Wildlife populations in Manitoba are under continuous and increasing pressure from competing land uses and developments which reduce or degrade the availability and quality of habitat.

In protecting the water component of waterfowl habitat, it is equally important that adequate cover for nesting ducks be provided. Areas of relatively undisturbed natural vegetation equal in size and adjacent to the wetland areas are considered ideal for nesting purposes. In recognition of the importance of this waterfowl resource, the basic inherent land capability areas must be delineated which emphasize waterfowl.

The principal objectives are:

a) to protect high capability waterfowl habitat,

b) to identify and protect recognized significant waterfowl areas,

c) to protect, recognize and integrate complementary recreation land use activities, and

d) to mitigate the problem of wildlife crop depredation.

POLICIES/GUIDELINES:

1. Wildlife - W

Management of these Crown lands is the responsibility of Manitoba Natural Resources. Specific management and administrative aims may change over time, however, in general, the following apply:

1a) These lands are not available for development because of their importance as habitat or lure crop. These areas are to remain as they occur in nature, although habitat improvement or lure crop establishment are not excluded.

1b) These lands will only be available for controlled haying or other non-intensive uses (i.e., beekeeping) if the use does not interfere with the wildlife objectives for any particular parcel. Approval of any use will be at the discretion of the Wildlife Branch. The physical nature of these lands and the associated problems would normally exclude any agricultural use.

1c) Other general land uses will be restricted to those which are supportive and compatible with the intent of the classification, e.g., lure crops. Complementary recreational pursuits are allowed, for example, hiking, canoeing, cross-country skiing, bird watching, hunting, nature photography, etc.

B. Utility Site: Classification UT: As Shown on Map 1.

PRESENT CONDITION:

There may be a number of small parcels of Provincial and Crown Corporation land associated with drains, road, trails or powerlines occurring in the Municipality. Normally all such parcels are transferred to the authority responsible for the utility site.

These parcels are not identified in this plan but nonetheless are covered by this policy.

CONCERNS/OBJECTIVES:

To identify, designate and protect public investments in roads, trails, drains, etc.

POLICIES/GUIDELINES:

2. Utility Site - UT

The following shall apply:

2a) The management and administration of these sites shall be in accordance with their specific purpose by Manitoba Natural Resources and the agency responsible for the utility.

2b) Secondary uses, such as hay cutting, may be permitted if compatible with the purpose of the site and with the approval of agency responsible for the utility.

C. Urban Use: Classification U: As Shown on Map 1.

PRESENT CONDITION:

Crown land parcels may occur within the boundaries of unincorporated and incorporated towns and villages within the plan area. The area in and around existing communities and settlements is influenced by and often required for urban land uses.

CONCERNS/OBJECTIVES:

The principal concern is to recognize that Crown lands may be within existing towns and villages and to ensure that the use of these lands is consistent with the urban government.

POLICIES/GUIDELINES:

3. Urban Use - U

To ensure that Crown land use is consistent with the effective and efficient provision of municipal services, the following guidelines apply:

3a) These Crown lands shall be administered by Manitoba Natural Resources.

3b) These sites are available for a variety of urban uses provided the use is consistent with any approved plan for the town or village.

3c) The local planning authority shall determine whether any proposed use of Crown land within the boundaries of the town or village conforms to the approved plan.

3d) In the absence of an approved plan for a town or village, the local authority shall determine whether any proposed use is consistent and compatible with the local urban environment.

V. OTHER CONSIDERATIONS

The Crown land plan identifies the major classifications for Crown land. There may be other site specific uses which are not indicated in the plan. Recognition of this fact is important as some specific allocations, (residences, for example) may not be indicated but are nonetheless protected by the very nature of the legal commitment to individuals through the leasing and permitting process of Crown lands.

Site specific uses, that is, most land uses occurring on Crown land utilizing less than 16 hectares (40 acres), which are not shown in the plan, will be listed in Appendix 1 as considered appropriate.

VI. GENERAL PLAN IMPLEMENTATION

A. Plan Approval and Review

Plan approval and any subsequent approval of amendments to the plan shall be by the Provincial Land Use Committee of Cabinet.

Existing policy and procedure for plan and amendment approval require consultation with local planning authorities. Additionally, full review and approval by provincial government departments and agencies through the Interdepartmental Planning Board is also required.

This plan shall be reviewed at such time as the Provincial Land Use Committee of Cabinet or the Crown Land Classification Committee considers it necessary or when the Local Planning Authority is reviewing its Development Plan or 5 years after coming into effect of the plan or from the last review, as the case may be.

The Crown Land Classification Committee is responsible for ensuring that future plan reviews, proposed amendments and classification appeals are processed and implemented as per approved policy and procedure.

B. Land Use Implementation

The land use intent as outlined in this Provincial Crown Land Plan shall be carried out through the application of the "Interdepartmental Operational Crown Land Plan" prepared for the area.

Operational Crown Land Plans are prepared, amended and approved by the Crown Land Classification Committee. Appeals to operational plans shall also be directed to the Crown Land Classification Committee, with the Provincial Land Use Committee being the final authority.

These Operational Plans shall:

a) be consistent with and carry out the intent of this Plan, and

b) identify in map format the permitted uses and intensity of use for the parcels of Crown land in the area.

The approval of this Provincial Crown land plan does not require the Province of Manitoba to undertake any proposal therein suggested or outlined but no undertaking or development within the plan area affected by this Crown land plan shall be carried out that is inconsistent or at variance with the proposals or policies set out in this Crown land plan.

C. Land Use Administration

The use of Crown land is administered through instruments such as leases, permits, contracts, agreements, etc., which are issued by the Crown to individuals, corporations, etc., or declared by the Crown through Orders-in-Council.

Most of the Crown land outside of Order-in-Council areas (i.e., Crown land not included in Community Pastures, Provincial Parks, Provincial Forests, and Wildlife Management Areas) is administered by the authority of the Crown Lands Act. This Act is administered by Manitoba Natural Resources, Lands, with certain specified sections being the responsibility of Manitoba Agriculture, Agricultural Crown Lands.

These contracts, leases, permits, agreements, etc., must be in conformity with this Plan and the Interdepartmental Operational Crown Land Plan.

APPENDICES

APPENDIX 1. Site Specific Crown Land Classifications

None

MUNICIPALITY OF BOULTON

RIDING MOUNTAIN NATIONAL PARK

254

254

254

31

36

31

36

SILVER BEACH LAKE

478

476

Creek

Conjuring Cr.

Tp. 21

6

1

6

1

CNR

45

31

36

31

36

45

C.N.R.

45

MUNICIPALITY OF RUSSELL

476

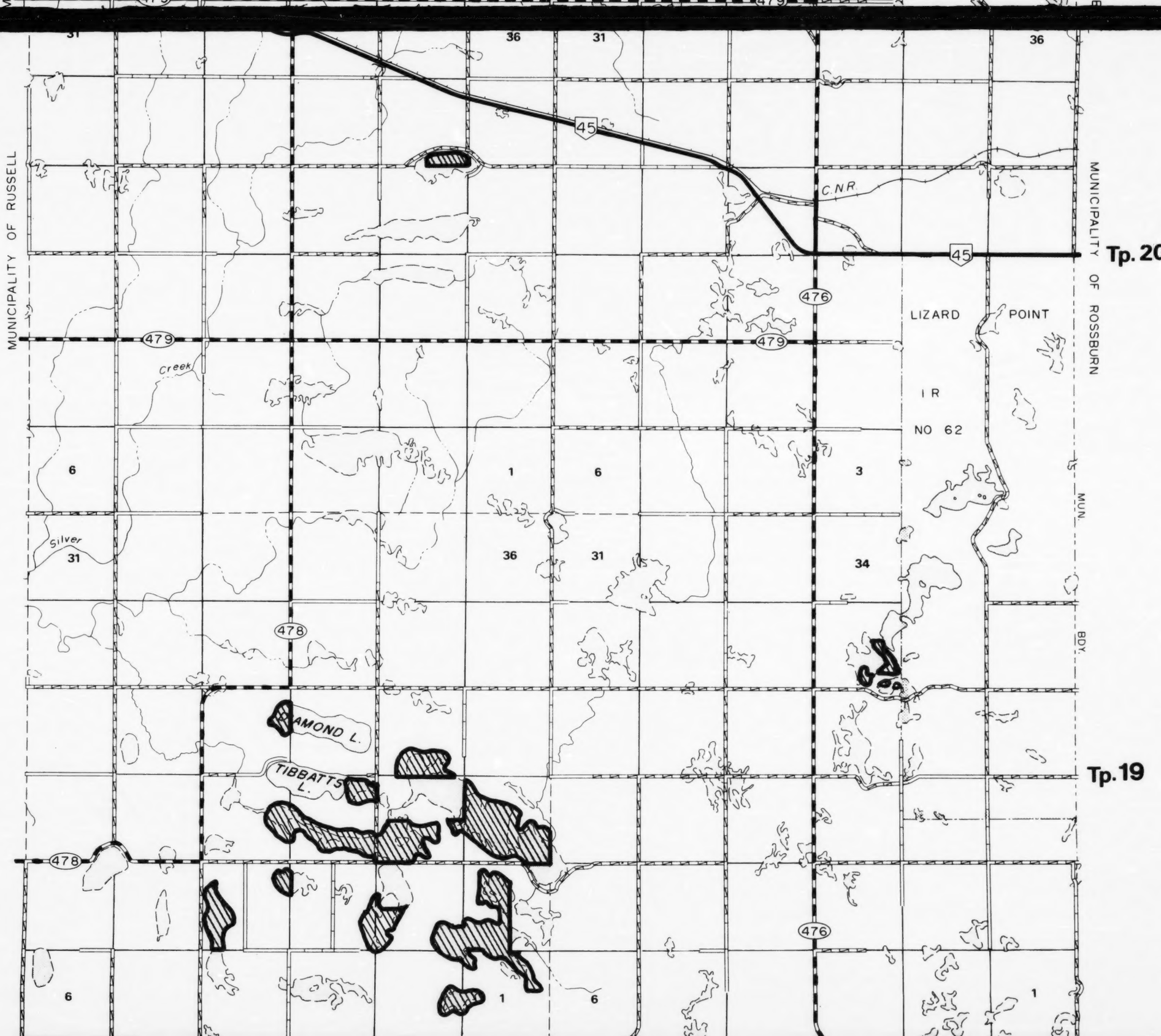
LIZARD POINT

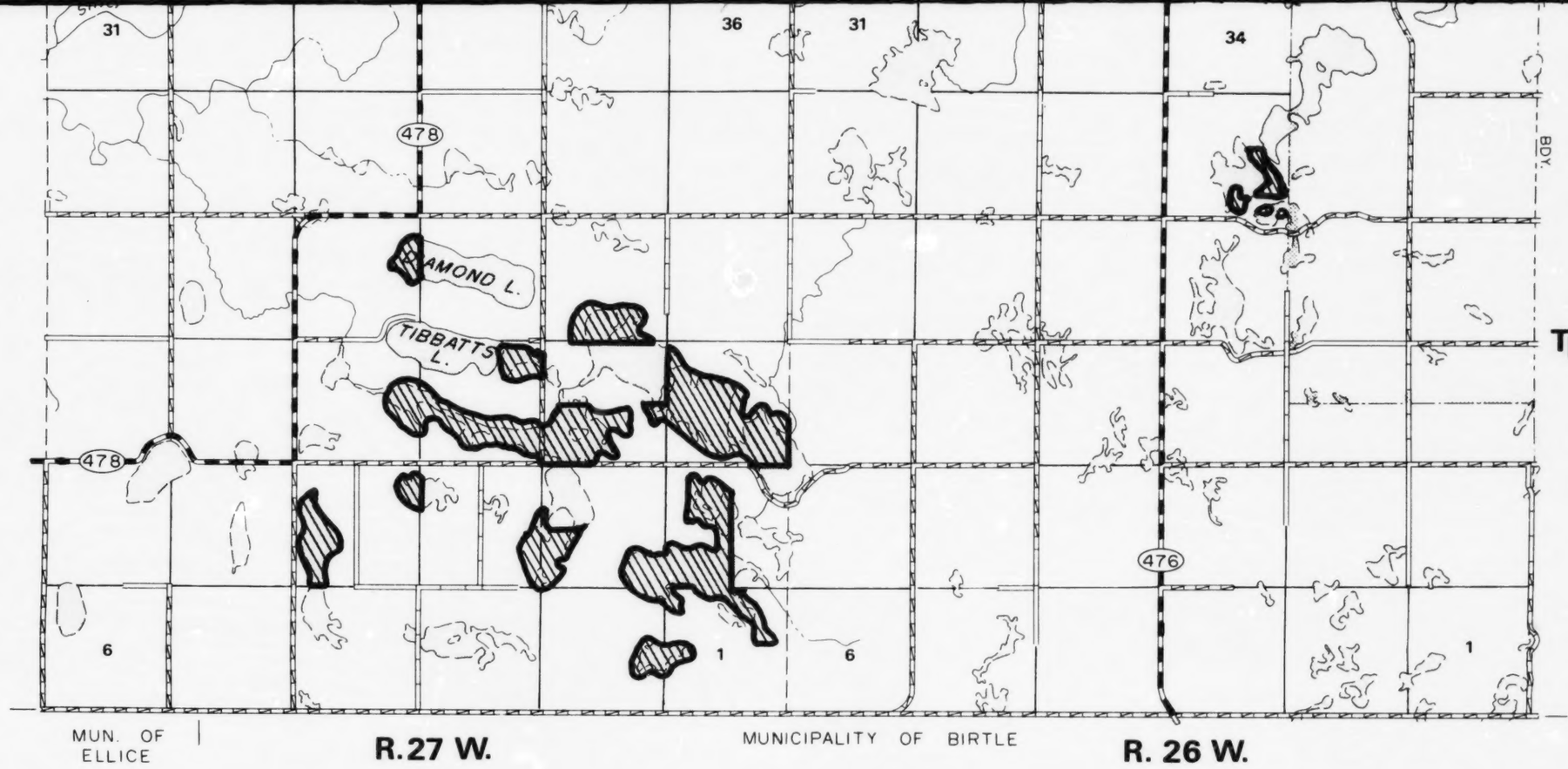
479

479

MUNICIPALITY OF ROSSE

Tp. 20


MUNICIPALITY OF RUSSELL
MUNICIPALITY OF ROSSBURN
45
C.N.R.
476
479
478
LIZARD POINT
I R
NO 62
Creek
Silver
AMOND L.
TIBBATTS L.
31
36
6
1
3
34
Tp. 20
Tp. 19



MAP 1.
PROVINCIAL CROWN LAND PLAN, OCTOBER, 1987.

R.M. OF SILVER CREEK

WILDLIFE : W

1 0 1 2 3 4 km.

1 0 1 2 3 mi.